

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

Cold Canyon Landfill, Inc.

SWIS No. 40-AA-0004

August 18, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Operator's request for the California Department of Resources Recycling and Recovery (Department) to issue a revised Solid Waste Facilities Permit (SWFP) for Cold Canyon Landfill, Inc., Solid Waste Information System (SWIS) No. 40-AA-0004, located in an unincorporated area of San Luis Obispo County, and owned by Corral de Piedra Land Company and operated by Cold Canyon Landfill, Inc. (both subsidiaries of Waste Connections, Inc.). The Department currently serves as the Enforcement Agency (EA) for San Luis Obispo County. A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for a revised SWFP was received on April 20, 2015. Staff completed a review of the permit application package and found the application package to be complete and correct on May 20, 2015. Action must be taken on this permit no later than September 14, 2015. If no action is taken by September 14, 2015, the Department will be deemed to have issued the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current Permit (2004)	Proposed Permit
Owner Address	Corral de Piedra Land Co. 2925 McMillan Ave. San Luis Obispo, CA 93401	Corral de Piedra Land Company 4388 Old Santa Fe Road San Luis Obispo, CA 93401
Permitted Hours of Operation	Receipt of Waste/Public Hours: 8:00 a.m. to 3:00 p.m., 7 days a week; Receipt of Waste/Franchise Haulers: 7:00 a.m. to 4:30 p.m., 7 days a week; Ancillary Operations: 6:30 a.m. to 5:30 p.m., 7 days a week	Receipt of Material - Landfill: 7:00 a.m. to 5:00 p.m., 7 days a week; Landfill Ancillary Hours: 7:00 a.m. to 5:30 p.m., 7 days a week; Receipt of Material – Transfer/Processing Facility (MRF): 7:00 a.m. to 5:00 p.m., 7 days a week; Transfer/Processing (MRF) Hours: 7:00 a.m. to 10:00 p.m., 7 days a week
Permitted Maximum Tonnage	1,200 Tons Per Day (TPD)	Landfill: 1,650 TPD Transfer/Processing (MRF): 400 TPD
Permitted Area (acres)	Total - 121 Disposal - 88	Total – 209 Disposal – 121 Transfer/Processing (MRF) – 10
Design Capacity (cubic yards)	10,900,000	23,900,000

	Current Permit (2004)	Proposed Permit
Maximum Elevation (Feet Mean Sea Level – MSL)	490	500
Estimated Closure Year	2012	2040

Other Changes include:

1. The submittal of a revised Joint Technical Document (JTD), dated March 2015.
2. Updates to the following sections for the SWFP: “Findings,” “Documents,” “Self-Monitoring,” and “Enforcement Agency Conditions,” including the rewording, additions and/or deletions for the purpose of updating and/or clarifying to reflect the proposed changes.

Key Issues:

The proposed revised permit will allow for the following:

1. Increase total permitted area from 121 acres to 209 acres, including the former windrow composting facility (SWIS No. 40-AA-0017).
2. Increase disposal area from 88 acres to 121 acres.
3. Increase total capacity from 10,900,000 cubic yards to 23,900,000 cubic yards.
4. Increase peak daily tonnage from 1,200 TPD to 1,650 TPD.
5. Increase final elevation from 490 feet MSL to 500 feet MSL.
6. Expand and relocate the resource recovery park.
7. Relocate the facility entrance and scales.
8. Change receipt of material operation hours from 7:00 a.m. to 4:30 p.m. 7 days a week to 7:00 a.m. to 5:00 p.m. 7 days a week.
9. Add the Materials Recovery Facility to the SWFP with a limit of 400 TPD.
10. Update estimated closure date from 2012 to 2040.
11. Update the property owner address.
12. Windrow composting associated with the Green Material Compost at Cold Canyon Landfill, SWIS No 40-AA-0017, will no longer occur onsite, but chipping and grinding activity will continue.
13. Receipt of high moisture content wastes (with solidification process) and green waste comingled with food waste.

Background

Cold Canyon Landfill, Inc. has been operating as a Class III landfill near the City of San Luis Obispo, in San Luis Obispo County since 1965. The Cold Canyon Landfill is a Class III municipal solid waste landfill, which accepts only non-hazardous solid waste, in accordance with waste classification regulations in Title 27, California Code of Regulations (CCR), Sections 20220 and 20230. Operations at the Green Material

Compost at Cold Canyon Landfill, SWIS No. 40-AA-0017, were reduced to chipping and grinding and no active composting has occurred at the facility since 2010. This permit revision will allow the facility to continue to chip and grind green material, but not actively compost as defined in Title 14, CCR, section 17852.

Findings:

Staff recommends concurrence and issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 CCR, Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence and issuance. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	Department staff, acting as Enforcement Agency (EA) for San Luis Obispo County, accepted the application package as complete and correct on May 20, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the EA on November 21, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Department staff, acting as EA for San Luis Obispo County, prepared a proposed Solid Waste Facilities Permit on July 20, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated July 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure and Postclosure Maintenance Plans (Plans) consistent with State Minimum Standards as described in their memorandum dated July 3, 2015. The Plans were approved by Department staff in a letter dated July 6, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is technically adequate as described in their memorandum dated December 31, 2014. The	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	non-water corrective action cost estimate was approved by Department staff in a letter dated July 16, 2015.	
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated August 4, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated June 29, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 24, 2015. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by Department staff as EA on June 17, 2015. No written comments were received by Department staff. Oral comments were addressed by EA staff and operator during the informational meeting. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:
Cold Canyon Landfill, Inc.

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on June 24, 2015, and found the facility to be in compliance with applicable state minimum standards. Below are the details of the facility's compliance history based on the EA's monthly inspection reports during the last five years:

- 2012 – 2015 (June) – No violations were noted.
- 2011 – Two violations (March and April) of 27 CCR Section 20790 - Leachate Control, One violation (March) of 27 CCR Section 20810 -Vector Control.

- 2010 (September) – One violation of 27 CCR Section 20690 – Alternative Daily Cover.

The violations were corrected to the satisfaction of the EA.

Green Material Compost at Cold Canyon Landfill, Inc.

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on June 24, 2015, and found the facility to be in compliance with applicable state minimum standards. Below are the details of the facility's compliance history based on the EA's monthly inspection reports during the last five years:

- 2010 (August) - 2015 (June) – No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of San Luis Obispo, Department of Planning and Building acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase total permitted area from 121 acres to 209 acres.
- Increase disposal area from 88 acres to 121 acres.
- Increase total capacity from 10,900,000 cubic yards to 23,900,000 cubic yards.
- Increase peak daily tonnage from 1,200 TPD to 1,650 TPD.
- Increase final elevation from 490 feet MSL to 500 feet MSL.
- Expand and relocate the resource recovery park.
- Relocate the facility entrance and scales.
- Change receipt of material operation hours from 7:00 a.m. to 4:30 p.m. 7 days a week to 7:00 a.m. to 5:00 p.m. 7 days a week.
- Add the Materials Recovery Facility to the SWFP with a limit of 400 TPD.
- Update estimated closure date from 2012 to 2040.
- Update the property owner address.
- Incorporate the chip and grind activity associated with SWIS No 40-AA-0017, Green Material Compost at Cold Canyon Landfill into the Cold Canyon Landfill Permit.
- Receipt of high moisture content wastes (with solidification process) and green waste comingled with food waste.

A Draft Environmental Impact Report (EIR), State Clearinghouse No. 2006101173, was circulated for a 45 day comment period from January 15, 2009 to March 2, 2009. CalRecycle staff submitted comments in a letter dated February 27, 2009.

After Department staff commented on the DEIR, the project was altered to omit the compost operation from the original proposed project. Hence, a Recirculated Draft Environmental Impact Report (REIR), State Clearinghouse No. 2006101173, was circulated for comment from May 27, 2011 to July 11, 2011. The REIR removes the reference of expansion of the compost facility and addresses the following environmental impacts, where additional environmental information became available subsequent to the completion of the DEIR: hazards (odors), noise and water. On hazards (odors), a health risk assessment was completed to further evaluate the compost operation, and includes new measures relating to worker protection and odors; on noise, a supplemental noise assessment was completed and includes additional measures relating to noise; and on water, additional water analysis was completed and additional measures proposed to reduce on-site water consumption.

The DEIR/REIR identified significant and unavoidable impacts related to Aesthetic Resources, Agricultural Resources, Climate Change/Green House Gas Emissions, Hazard and Hazardous Materials, and Noise. The Final EIR, together with the Statement of Overriding Considerations, was certified/adopted by the Lead Agency on November 20, 2012.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts. The benefits from the project will include:

- Ensuring that the solid waste disposal and waste recovery infrastructure necessary for the service are will be in place over the long term by extending the facility's service life to the year 2040.
- Assisting the County in ensuring that it can meet the requirements of AB939.
- Enhanced diversion would enable the County's effort to meet the state's newly established goal of 75% diversion by 2020.
- Reduce greenhouse gas emissions and help the County comply with AB 32 (reducing vehicle miles traveled).
- Use of existing solid-waste facilities will reduce the need to site and develop new solid waste disposal and/or resource recovery facilities elsewhere in the service area.
- Enable the applicant to take advantage of and optimize the use of the existing infrastructure to most efficiently meet the community's solid waste disposal and resource recovery needs.
- Increased tax revenues.
- Creation of 39 additional new permanent jobs over the course of the expansion which are expected to be filled by County residents.
- Optimizing the use of the landfill footprint and avoids the need to develop additional resource recovery and landfill disposal facilities in a new location, thus avoiding disturbance of undeveloped off-site lands.

- Ensuring that traffic flow on Highway 227 is not disrupted, and that the facility's waste management services continue to be convenient to the community. Locally convenient and accessible waste management services will also serve to reduce instances of illegal dumping.
- Daily waste acceptance times would increase which will provide the public and commercial waste generators a broader timeframe to bring their waste to an appropriate disposal facility. This will likely reduce the amount of illegal dumping caused by customers coming to the facility after closure and not wanting to return at a later time.

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by Lead Agency to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final EIR, with all other CEQA documents adopted by the Lead Agency, and with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

CalRecycle acting as the Enforcement Agency for San Luis Obispo County has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the EA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. As the EA, Department staff held a public informational meeting on June 17, 2015, at the Cold Canyon Landfill Materials Recovery Facility located at 2268 Carpenter Canyon Road, in the unincorporated area of San Luis Obispo County. Eight members of the public, five members of Waste Connections, and two members of CalRecycle were in attendance. The public commented on a number of items including:

- Relocation of the site entrance -
 - The operator noted the relocation of the site entrance will not take place for approximately 15 years.
- Fill sequence timeframes -
 - Operator indicated that the plan is to conduct fill activities in Modules 11-16, relocate site entrance and then fill module 10.
- High content wastes -
 - The operator indicated that the high liquid content wastes will be non-hazardous in nature and undergo the solidification process before the material disposed.
- Approval process (local vs state timeframes) -
 - CalRecycle staff informed the public of the regulatory timeframes imposed by Title 14 and 27 California Code of Regulations.
- Environmental monitor -
 - Operator informed those in attendance that the County of San Luis Obispo is working on the establishment of the environmental monitor required as part of the approved project.
- Construction activities in the near future -
 - Operator indicated construction of Module 11 and the building of a soil berm on Patchett Road and briefly discussed the on-going landscaping of the facility.
- Water/detention ponds -
 - Operator discussed improvements that have already taken place at the site.
- Falconer -
 - It was noted that the Falconer is on site every day and that the birds are housed on site.
- Noise from the Gas to Energy Facility -
 - The noise issue that once existed with the Gas to Energy Facility was discussed. The public expressed satisfaction with the results of the noise dampening improvements.
- Grinding of Green Material -
 - Public noted that the facility is doing a much better job at handling the odors associated with Green Material than in the recent past.

- Disposal fees -
 - Operator was not sure on future fees. CalRecycle staff commented that fees associated with the use of Cold Canyon Landfill do not fall under the agency's authority.
- Source of materials -
 - Operator indicated that the material bound for Cold Canyon Landfill could come from anywhere. CalRecycle staff noted that waste flow from county to county does not fall under our purview.
- Site life -
 - The estimated closure date for the site was brought into question. Both the operator and CalRecycle noted no change in capacity numbers since the project was approved, but the estimated closure date is hard to predict due to the reduced flow, growth, compaction, and diversion.

No written comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 21, 2015 and August 18, 2015. No comments have been received by Department staff.